

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	ID No. 1402002902
v.)	In and for Kent County
)	
RONALD ROGERS,)	
)	
Defendant.)	

Submitted: May 11, 2016

Decided: June 28, 2016

*Upon Consideration of Defendant's Motion For Postconviction Relief
Pursuant to Superior Court Criminal Rule 61*

DENIED

ORDER

On this 28th day of June, 2016, upon consideration of the Defendant's Motion For Postconviction Relief, the Commissioner's Report and Recommendation and the record in this case, it appears that:

1. The Defendant, Ronald Rogers ("Rogers"), pled guilty on June 25, 2014, to three counts of Robbery in the First Degree, 11 *Del. C.* §832(A) and one count of Robbery in the Second Degree as a lesser included offense of Robbery in the First Degree. In exchange for Rogers' plea, the State entered a *nolle prosequis* on the remaining charges of three additional counts of Robbery in the First Degree, two counts of Wearing a Disguise During the Commission of a Felony and one count of Criminal Mischief. The Court sentenced Rogers, in accordance with the Plea

Agreement, to thirty-six years incarceration, suspended after nine years, minimum mandatory, for probation.

2. The Defendant did not appeal his conviction or sentence to the Delaware Supreme Court; instead he filed, *pro se*, the pending Motion For Postconviction Relief pursuant to Superior Court Criminal Rule 61. In his motion the Defendant raises the following grounds for relief: 1) ineffective assistance of counsel; 2) suppression of favorable evidence; and 3) unfulfilled plea agreement.

3. The Court referred this motion to Superior Court Commissioner Andrea M. Freud pursuant to 10 *Del. C.* §512(b) and Superior Court Criminal Rule 62 for proposed findings of facts and conclusions of law.

4. The Commissioner has filed a Report and Recommendation concluding that the Motion For Postconviction Relief should be denied, because it is procedurally barred and completely meritless.

5. No objections to the Report have been filed.

NOW, THEREFORE, after *de novo* review of the record in this action, and for reasons stated in the Commissioner's Report and Recommendation dated August 19, 2015,

IT IS ORDERED that the Commissioner's Report and Recommendation is adopted by the Court, and the Defendant's Motion for Postconviction Relief is **DENIED**.

/s/ Robert B. Young

J.

State v. Rogers
ID No. 1402002902
June 28, 2016

RBV/lmc

oc: Prothonotary
cc: The Honorable Andrea M. Freud
Jason C. Cohee, Esq.
Kathleen K. Amalfiatno, Esq.
Ronald Rogers, JTVCC